

# Exhibit A

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June 21, 2022

### By Email

Securities and Exchange Commission  
Office of FOIA Services  
100 F Street NE  
Washington, DC 20549-2465  
foiapa@sec.gov

### **Re: Freedom of Information Act Request: Potential National Securities Market Rulemaking**

Dear Sir or Madam:

We submit this request pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*, and corresponding regulations, including 17 C.F.R. § 200.80, for records as defined below.

We request the following records<sup>1</sup> from the SEC from the time period April 1, 2021 to present:

1. Records sufficient to show any persons or entities, including representatives of Exchanges,<sup>2</sup> Market-Makers,<sup>3</sup> Retail Broker-Dealers,<sup>4</sup> Industry Organizations,<sup>5</sup> or

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<sup>1</sup> For the purpose of this request, the term “records” includes any and all hard-copy or electronic documents, including e-mails, letters, reports, statements, memoranda, notes, indices, minutes, studies, summaries, lists, tabulations, charts, diagrams, blueprints, tables, pictures, and calendar entries; audio or video recordings (including of virtual meetings) digital files including chat or text messages, SMS messages, instant messages, Bloomberg messages, I-messages, Blackberry messages, Skype messages, Reuters messages, Slack messages, Microsoft Teams messages, tweets, LinkedIn messages, Snapchats, Instagrams, Facebook status updates or messages, WhatsApp messages, Viber messages, or any other social media message or post; and other documents, whether originals or copies, including all non-identical copies (whether different from the original because of notes made on or attached to them or otherwise), whether drafts, preliminary, proposed or final versions, whether printed, recorded, produced or reproduced by any other mechanical or electronic process, whether written or produced by hand, whether on SEC servers or those of its employees. In the event that such records once existed but have now been destroyed, please disclose any records that are integrally related to, summarize, or are interchangeable with said records.

<sup>2</sup> For the purpose of this request, the term “Exchanges” includes, but is not limited to New York Stock Exchange LLC (NYSE), NYSE Arca, Inc., NYSE Chicago, Inc., NYSE American LLC, NYSE National, Inc., The Nasdaq Stock Market, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Intercontinental Exchange, Inc. (ICE), Investors Exchange LLC (IEX), Long-Term Stock Exchange, Inc. (LTSE), MEMX, LLC, Miami International Securities Exchange (MIAX), MIAX Emerald, LLC, MIAX PEARL, LLC and the employees of the foregoing entities, including but not limited to Michael Blaugrund, Tal Cohen, Adena Friedman, Hope Jarkowski, Elizabeth King, Phillip Mackintosh, Lynn Martin, Jeffrey C. Sprecher, and John Zecca.

<sup>3</sup> For the purpose of this request, the term “Market-Makers” includes, but is not limited to Apex Clearing Corporation, Citadel Securities, LLC, Susquehanna International Group, LLP, Two Sigma Securities, LLC, Virtu Financial, Inc., Wolverine Securities, LLC.

<sup>4</sup> For the purpose of this request, the term “Retail Broker-Dealers” includes, but is not limited to, Charles Schwab & Co., Inc., E\*TRADE Securities LLC, Fidelity Brokerage Services, LLC, Robinhood Financial LLC, and TD Ameritrade, Inc.

<sup>5</sup> For the purpose of this request, the term “Industry Organizations” includes, but is not limited to, Americans for Financial Reform (AFR), Better Markets, Consumer Federation of America (CFA), Council of Institutional Investors (CII), Healthy Markets Association, Institutional Limited Partners Association (ILPA), International Swaps and Derivatives Association (ISDA), Investment Advisors Association (IAA), Managed Funds Association (MFA), North American Securities Administrators Association (NASAA), Securities Industry and Financial Markets Association (SIFMA), Small Business Capital Formation Advisory Committee, Urvin Finance, Inc./We The Investors, and U.S. Chamber of Commerce’s Center for Capital Markets Competitiveness (CCMC), and persons associated with the foregoing entities, including but not limited to Dave Lauer, Tyler Gellasch and Dennis Kelleher.

Other Market Participants,<sup>6</sup> who had communications with the SEC regarding retail stock order handling and execution, the national best bid and offer (the “NBBO”), payment for order flow (“PFOF”), price improvement, the concept of order-by-order competition, or the routing of retail stock orders including to auctions.

2. To the extent not already produced in response to the previous request, records sufficient to show the location and time of communications between any persons or entities, including representatives of Exchanges, Market-Makers, Retail Broker-Dealers, Industry Organizations, or Other Market Participants, and the SEC regarding retail stock order handling and execution, the NBBO, PFOF, price improvement, the concept of order-by-order competition, or the routing of retail stock orders including to auctions.
3. To the extent not already produced in response to the previous requests, all records evidencing or concerning any communications between any persons or entities, including representatives of Exchanges, Market-Makers, Retail Broker-Dealers, Industry Organizations, or Other Market Participants, on the one hand, and the SEC, on the other hand, regarding retail stock order handling and execution, the NBBO, PFOF, price improvement, the concept of order-by-order competition, or the routing of retail stock orders including to auctions.<sup>7</sup>
4. To the extent not already produced in response to the previous requests, all records evidencing or concerning the communications referenced in Chair Gary Gensler’s public calendar set out in Appendix A.
5. To the extent not already produced in response to the previously requests, all records relating to the remarks of Chair Gensler at the June 8, 2022 Piper Sandler Global Exchange Conference available at <https://www.sec.gov/news/speech/gensler-remarks-piper-sandler-global-exchange-conference-060822>.

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Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), we will expect your reply to this request for disclosure within twenty days. We request that responsive electronic records be provided electronically in their native file format, if possible. *See* 5 U.S.C. § 552(a)(3)(B). Alternatively, we request that the records be provided electronically in a

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<sup>6</sup> For the purpose of this request, the term “Other Market Participants” includes, but is not limited to, Hitesh Mittal and J.W. Verret.

<sup>7</sup> Notes of SEC meetings with third parties reflecting mere fact-gathering may not be withheld on the basis of the deliberative process privilege, attorney-client privilege, or the work product doctrine. *See Securities & Exchange Comm’n v. Ripple Labs, Inc.*, No. 20-cv-10832 (AT)(SN), 2022 WL 123590, at \*4 (S.D.N.Y. Jan. 13, 2022).

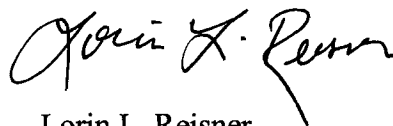
text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files. For any electronic records or communications, please include appropriate metadata (e.g., date and time created, author, file name for documents; e.g., to, from, cc, bcc, subject, date and time for emails) with the production of those records.<sup>8</sup> We further request that the records be provided as they become available, if possible.

We are willing to pay the fees required for the prompt processing of this Request.

We reserve the right to appeal any decision in relation to this Request. If you deny any portion of or this entire Request, please cite to each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available to us under the law. We expect release of all segregable portions of otherwise exempt material. *See* 5 U.S.C. § 552(b).

If you have any questions about this request, you may contact me by telephone at (212) 373 3250.

Sincerely yours,



Lorin L. Reisner

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<sup>8</sup> Federal courts have defined "records" under FOIA to include metadata. *See Jicarilla Apache Nation v. United States*, 60 Fed. Cl. 413, 414 (2004). Federal courts have recognized that when the metadata contains information the requesting party is entitled to the government may not withhold it. *See Families for Freedom v. U.S. Customs & Border Prot.*, 837 F. Supp. 2d 287, 304 (S.D.N.Y. 2011) (requiring production of metadata where it might contain the date on which a document was created).

**APPENDIX A: SELECT ENTRIES FROM CHAIR GARY GENSLER'S CALENDAR<sup>1</sup>**

<b>Date</b>	<b>Organization Met/Spoke With</b>	<b>Individuals Listed</b>
3/29/22	Investors Exchange (IEX); FTX	Brad Katsuyama, Chief Executive Officer, IEX; John Ramsay, Chief Market Policy Officer, IEX; Rachel Barnett, General Counsel, IEX; Florian Seifferer, Chief Operating Officer, IEX; Sam Bankman-Fried, Chief Executive Officer, FTX; Brett Harrison, President, FTX; Ryne Miller, General Counsel, FTX; Mark Wetjen, Head of Policy and Regulatory Strategy, FTX
3/28/22	Healthy Markets Association (HMA)	Tyler Gellasch, Executive Director, HMA; Christopher Nagy, Director, HMA; Joseph Engelhard, Board Member, HMA; Michael Canning, Principal, LXR Group; James Andrus, Interim Managing Investment Director, Board Governance & Sustainability, California Public Employees' Retirement System (CalPERS); Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg; David Brooks, Director of Trading, The London Company of VA; Katherine

<sup>1</sup> This chart reflects certain of Chair Gensler's calendar entries from April 19, 2021 through March 31, 2022, as made available on <https://www.sec.gov/foia/docs/sec-chair-calendar>.

Date	Organization Met/Spoke With	Individuals Listed
		Comly, Legal Association, MIAx; Brendan Hart, Director of Legal, OMERS; Vlad Khandros, Head of Corporate Development, Trumid; Eric Stockland, Managing Director, BMO Capital Markets; Geoff Bernard, Head of Electronic Trading, Keybank; Josh Bezonsky, Vice President of Legal and Compliance, OMERS; Michael Ledwith, Head of Algorithmic Trading, Quantitative Investment Management; Eric Perlish, Global Head of Trading, Sands Capital Management; John Ramsay, Chief Market Policy Officer, IEX; Peter Sparby, Corporate Counsel, MGEX; Adam Goldberg, Regional Operations, S&P Global Market Intelligence
3/17/22	Investors Exchange (IEX)	Brad Katsuyama, Chief Executive Officer; Ronan Ryan, President; Stan Feldman, Chief Operating Officer; John Ramsay, Chief Market Policy Officer
2/11/22	Intercontinental Exchange (ICE); NYSE Group	Jeffrey Sprecher, Chief Executive Officer (ICE); Elizabeth King, Chief Regulatory Officer (ICE); Michael Blaugrund, Chief Operating Officer, NYSE Group; Lynn Martin, President, NYSE Group; Hope

Date	Organization Met/Spoke With	Individuals Listed
		Jarkowski, General Counsel, NYSE Group
2/7/22	NYSE Group	Lynn Martin, President; Hope Jarkowski, General Counsel
1/19/22	Numerous Organizations	Mark Wendland, Chief Operating Officer, DRW Holdings, LLC; Graham Harper, Head of Public Policy and Market Structure, DRW Holdings, LLC; Jonah Platt, US Head of Government & Regulatory Policy, Citadel Securities, LLC; Adam Nunes, Head of Business Development, Hudson River Trading (HRT); Joanna Mallers, Secretary, FIA Principal Traders Group; Jim Newsome, Partner, Delta Strategy Group; Scott Parsons, Managing Partner, Delta Strategy Group
12/20/21	Nasdaq, Inc.	Adena Friedman, Chief Executive Officer; John Zecca, Chief Legal and Regulatory Officer; Tal Cohen, Head of North American Markets; Phillip Mackintosh, Chief Economist; Jeffrey Davis, North American Markets
12/17/21	MIAX Exchange Group	Thomas Gallagher, Chairman and Chief Executive Officer; Shelly Brown,



Date	Organization Met/Spoke With	Individuals Listed
		Executive Vice President of Strategic Planning and Business Development; Barbara Comly, General Counsel and Corporate Secretary; Edward Deitzel, Chief Regulatory Officer and Chief Compliance Officer; Lance Emmons, Chief Financial Officer; Douglas Schafer Jr., Chief Information Officer; Joseph Ferraro III, Deputy General Counsel
12/10/21	Managed Funds Association (MFA)	Bryan Corbett, President and Chief Executive Officer, Managed Funds Association (MFA); Jennifer Han, Executive Vice President, Chief Counsel, and Head of Regulatory Affairs, MFA; Sarah Arnold, Manager, MFA; Tasha Ashby, Executive Assistant, MFA; Fahmi Quaidir, Founder and Chief Investment Officer, Safkhet Capital; Jim Rowen, Chief Operating Officer, Renaissance Technologies; Ricardo Marano, Chief Operating Officer, King Street Capital Management LP; Stephen Berger, Managing Director of Government and Regulatory Policy, Citadel LLC; Jeffrey Wechselblatt, General Counsel, Lone Pine Capital

<b>Date</b>	<b>Organization Met/Spoke With</b>	<b>Individuals Listed</b>
12/6/21	Intercontinental Exchange (ICE); New York Stock Exchange (NYSE)	Jeffrey Sprecher, Chief Executive Officer, ICE; Elizabeth King, President, ESG and Chief Regulatory Officer, ICE; Michael Blaugrund, Chief Operating Officer, NYSE; Hope Jarkowski, General Counsel, NYSE
12/3/21	Intercontinental Exchange (ICE)	Jeffrey Sprecher, Chief Executive Officer
11/17/21	Nasdaq, Inc.	Adena Friedman, Chief Executive Officer; John Zecca, Chief Legal and Regulatory Officer; Tal Cohen, Head of North American Markets
10/29/21	Investors Exchange (IEX)	Brad Katsuyama, Chief Executive Officer; Rachel Barnett, Chief Legal Officer; Claudia Crowley, Chief Regulatory Officer
10/8/21	Intercontinental Exchange (ICE); NYSE Group	Jeffrey Sprecher, Chief Executive Officer, ICE; Michael Blaugrund, Chief Operating Officer, NYSE Group; Elizabeth King, General Counsel, NYSE Group
9/28/21	Robinhood	Vladimir Tenev, Chief Executive Officer; James Swartwout, President and Chief Operating Officer; Daniel Gallagher, Chief Legal Officer; Lucas Moskowitz, Deputy General Counsel; John Markle,

Date	Organization Met/Spoke With	Individuals Listed
		Deputy General Counsel; Aparna Chennapragada, Chief Product Officer; Benjamin Brown, Principal, Blue Ridge Law & Policy
9/23/21	Chicago Board Options Exchange (CBOE)	Edward Tilly, Chairman, President and Chief Executive Officer
9/21/21	Virtu	Doug Cifu, Chief Executive Officer; Matthew Levine, Chief Compliance Officer; Justin Waldie, General Counsel; Thomas Merritt, Deputy General Counsel, Global Business Development, Corporate Strategy, and Communications; Alan Sobba, Advisor
9/3/21	Futures Industry Association Principal Traders Group (FIA PTG)	Joanna Mallers, Vice President, FIA, Inc.; Nancy Stern, Chief Executive Officer and Board Member, Allston Holdings LLC; Philip Pinc, General Counsel, Allston Holdings LLC; Kevin Devlin, Chief Financial Officer, Allston Holdings LLC; Jonah Platt, U.S. Head of Government & Regulatory Policy, Citadel Securities; W. Graham Harper, Head of Public Policy and Market Structure, DRW Holdings, LLC; Mark Wendland, Chief Operating Officer, DRW Holdings, LLC; Adam Nunes, Head of Business Development,

Date	Organization Met/Spoke With	Individuals Listed
		Hudson River Trading; Scott McClure, Business Operations Manager, Hudson River Trading; Steve Waldron, Head of Global Clearing, Jump Trading LLC; Max Joubert, Compliance Analyst, Jump Trading LLC; Philip Reinckens, Business Development, Optiver; Liam Smith, Head of Corporate Strategy, Optiver; Matthew Haraburda, President, XR Trading LLC; Scott Parsons, Managing Partner, Delta Strategy Group; James Newsome, Partner, Delta Strategy Group; James Overdahl, Partner, Delta Strategy Group; Kevin Batteh, Partner, Delta Strategy Group; Daniel Austin, Counsel, Delta Strategy Group; Edmund Perry, Policy Analyst, Delta Strategy Group
8/9/21	Intercontinental Exchange (ICE)	Jeffrey Sprecher, Chief Executive Officer
8/4/21	Chicago Board Options Exchange (CBOE)	Edward Tilly, Chairman, President and Chief Executive Officer; Patrick Sexton, Secretary, Executive Vice President and General Counsel
7/23/21	Chicago Board Options Exchange (CBOE)	Edward Tilly, Chairman, President and Chief Executive Officer
6/27/21	Office of Senator Elizabeth Warren	Senator Elizabeth Warren

<b>Date</b>	<b>Organization Met/Spoke With</b>	<b>Individuals Listed</b>
6/25/21	Office of Senator Elizabeth Warren	Jon Donenberg, Chief of Staff, Senator Elizabeth Warren
5/14/21	Intercontinental Exchange (ICE); New York Stock Exchange (NYSE)	Elizabeth King, Chief Regulatory Officer, NYSE:ICE; Robert Eskridge, Director of Government Affairs, ICE; Stacey Cunningham, President, NYSE; Jeffrey Sprecher, Chair, NYSE; Michael Blaugrund, Chief Operating Officer, NYSE; Jaime Klima, Chief Regulatory Officer, NYSE Group; Hope Jarkowski, Head of Equities, NYSE
5/12/21	Nasdaq, Inc.	Adena Friedman, Chief Executive Officer